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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,271	05/01/2001	Shigeyuki Harita	206644US0	3085

22850 7590 02/06/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

REDDICK, MARIE L

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 02/06/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/845,271

Applicant(s)

HARITA ET AL.

Examiner

Judy M. Reddick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/1/01;11/13/01;5/21/02;7/3/02;12/30/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 4-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. ***Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.***

Drawings

2. ***The proposed Drawing filed on 05/01/01 is acceptable for examination purposes.***

Specification

3. ***This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.***

Claim Objections

4. ***Claims 10-12 are objected to under 37 CFR 1.75(c) as being in improper form because said claims reference two sets of claims to different features. See MPEP § 608.01(n). Accordingly, the claims 10-12 have not been further treated on the merits.***

Claim Rejections - 35 USC § 112

5. ***The following is a quotation of the second paragraph of 35 U.S.C. 112:***

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. ***Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.***

Claims 7-9, in their entirety, engender awkwardly expressed claim language.

Claim Rejections - 35 USC § 102

7. ***The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:***

A person shall be entitled to a patent unless –

(b) th invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than on year prior to the date of application for patent in th United States.

8. *The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. *Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 5337967, Marks(U.S. 2,897,544) or Ichikawa et al(U.S. 4,387,133).*

JP'967 teaches a process for the production of a polyvinyl alcohol film, suitable for optical components such as a polarizing film, wherein an aqueous solution of polyvinyl alcohol, glycerine and water is film cast and dried(see the Abstract).

Marks discloses a polyvinyl alcohol film and a polarizing film therefrom derived from a casting solution of water, polyvinyl alcohol, glycerin, etc. See cols. 2-7 of Marks.

Ichikawa et al disclose a laminated light polarizing sheet derived from a film of polyvinyl alcohol, a polymeric supporting film or sheet governed by a specified thickness formed on at least one surface of the polarizing film and a transparent conductive layer formed on the surface of said polymeric supporting film or sheet opposite to said light polarizing film and wherein said supporting film/sheet is governed by a retardation value of not more than 30 millimicrons(see cols. 1-9 and Runs 1 and 6).

Each of JP'967, Marks and Ichikawa et al therefore anticipate the instantly claimed invention with the understanding that the compositional components of each of patentees overlap in scope with the compositional components of the claimed invention.

As to the retardation differential value of the polyvinyl alcohol films of JP'967, Marks and Ichikawa et al, if not taught, it would be expected that this property would be met by the polyvinyl alcohol-containing films of JP'967, Marks and Ichikawa et al since the films of JP'967, Marks and

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Ichikawa et al are essentially the same as and made under essentially the same conditions as the claimed polyvinyl alcohol film (*In re Best*, 195 USPQ 430).

Allowable Subject Matter

10. Claims 4-9 are deemed allowable over the prior art of record as per one having ordinary skill in the art would not have been endowed with any motivation to extrapolate the meticulously defined method for producing a polyvinyl alcohol film, as claimed, from any of the prior art, Marks and Ichikawa et al, meritorious of the closest prior art, with any reasonable expectation of success. Claims 7-9 would be allowable if rewritten and/or amended so as to obviate the 112 issues raised supra.

Conclusion

11. Note the attached FORM PTO-892 for additional prior art cited as of being illustrative of the general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy M. Reddick whose telephone number is (703)308-4346. The examiner can normally be reached on Monday-Friday, 6:30 a.m.-3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (703)308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)892-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-8183.

J. M. Reddick
Judy M. Reddick
Primary Examiner
Art Unit 1713

JMR *JMR*
February 4, 2003